

Application No. 10/810,587  
Attorney Docket No. 042234  
Amendment filed August 20, 2007

**REMARKS**

Claims 1, 5, 7, 10 and 11 are pending in the present application. Claim 1 is herein amended. No new matter has been entered.

The limitation in claim 1 with respect to “wherein the (meth)acrylic acid polymer (b2) contains predominantly acrylic acid and/or methacrylic acid...” is supported by the description on page 13, lines 8-9.

The Examiner objects to the amendment filed January 24, 2007 as introducing new matter into the specification on page 13, line 8. The Examiner asserts that the added material of lines 4-5 of the amended paragraph is not supported by the original disclosure. The Examiner asserts that the phrase “a copolymer with (meth)acrylic amide and a monomer copolymerizable therewith” is a new matter because the specification as originally filed fail to provide support for monomer copolymerizable with (meth)acrylic amide. The Examiner asserts that Applicants have not pointed-out where the support for the added subject matter can be found in the originally filed specification.

Applicants respectfully disagree with this rejection and traverse it. Applicants note that the paragraph in question was previous amended as follows:

By the term “the (meth)acrylic acid polymer (b2)” is meant herein polymers predominantly containing acrylic acid and/or methacrylic acid. Examples of the (meth)acrylic acid polymer (b2) include  
polymers of (meth)acrylic acid,

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polymers of (meth)acrylic ethyl ester or butyl ester,  
polymers of (meth)acrylic butyl ester,  
a copolymer with (meth)acrylic amide and a monomer copolymerizable therewith, and  
polymers of alkali metal salts of (meth)acrylic acid or ammonium salt and  
polymers of ammonium salts of (meth)acrylic acid.

(Indentation changed by Applicants to emphasize the order of the paragraph.)

With respect to the phrase, “a copolymer with (meth)acrylic amide and a monomer copolymerizable therewith”, Applicants note that the original phrase was merely “a copolymer with (meth)acrylic amide”. Since a copolymer is defined as a polymer of two distinct monomers, and since only a single monomer was originally explicitly stated, one skilled in the art would have immediately known that the term “a copolymer with (meth)acrylic amide” necessarily means “a copolymer between (meth)acrylic amide and another monomer. Further, the other monomer must necessarily be copolymerizable with (meth)acrylic amide (“copolymerizable therewith”).

Thus, the above amendment with respect to the “a copolymer with (meth)acrylic amide” merely makes explicit what would have been originally inferred by one skilled in the art, as the Examiner surely recognizes.

In addition, the Examiner also asserts that the phrase “polymer of (meth)acrylic ethyl ester ... ammonium salts of (meth)acrylic acid” cannot be understood by the Examiner.

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Applicants submit that that the paragraph is plain, that the (meth)acrylic acid polymer (b2) may be any of the listed polymers or copolymers. That is:

(b2) may be a polymer of (meth)acrylic acid,

(b2) may be a polymer of (meth)acrylic ethyl ester,

(b2) may be a polymer of (meth)acrylic butyl ester,

(b2) may be a copolymer with (meth)acrylic amide and a monomer copolymerizable therewith,

(b2) may be a polymer of alkali metal salts of (meth)acrylic acid,

(b2) may be a polymer of ammonium salts of (meth)acrylic acid.

Applicants therefore traverse this objection.

Claims 1, 5, 7, 10 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

The Examiner asserts that claim 1, lines 17-20, the Markush group members “(meth)acrylic ethyl esters”, “(meth)acrylic butyl esters”, “a copolymer with (meth)acrylic amide”, “polymers of alkali metals and ammonium salts of (meth)acrylic acid” renders claims confusing and indefinite. Applicants herein clarify the claim to clearly recite each possible polymer.

With respect to the limitation in lines 7-8, claim 1 requires “(meth)acrylic acid polymer (b2) having a degree of neutralization of 3-15%”. The Examiner asserts that some polymers of the Markush group members do not contain acid groups and/or acid groups are fully neutralized.

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Therefore it would not be clear how one can neutralize these polymers to a required degree of neutralization.

Applicants herein amend the claim to recite that *only if* (meth)acrylic acid polymer (b2) contains a carboxylic acid group, said (meth)acrylic acid polymer (b2) has a degree of neutralization of 3-15%.

The Examiner asserts that the phrase “a copolymer with (meth)acrylic amide” renders claims indefinite in absence of specifying other monomer polymerized with (meth)acrylic amide to form copolymer. In response, Applicants herein amend the claim in the same way as the specification was amended previously.

The Examiner asserts that the phrase “polymers of alkali metals and ammonium salts of (meth)acrylic acid” renders claims indefinite, because it is not clear from the claim language whether applicants are trying to claim copolymer of alkali metal salt of (meth)acrylic acid and ammonium salts of (meth)acrylic acid or polymer of alkali metals. In response, Applicants herein clarify the claim to clearly recite each possible polymer.

The Examiner asserts that the words “polymers”, “esters”, “metals” and “salts” should be changed to the words -- “polymer”, “ester”, “metal” and “salt”--. Such corrections are included herewith.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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